

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MOISE GRANDOIT,

Plaintiff,

-against-

ORDER
20-CV-1434 (JS) (AYS)

DAVID A. MORRIS, STEPHEN R. HELLMAN,
KERRI N. LECHTRECKER, THERESA WHELAN,
MICHAEL WILLIAMS,

Defendants.

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APPEARANCES

For Plaintiff: Moise Grandoit, pro se
677 Essex Street
Part 1L
Brooklyn, NY 11208-4407

For Defendants: No appearances.

SEYBERT, District Judge:

On March 13, 2020, pro se plaintiff Moise Grandoit ("Plaintiff") filed a Complaint against Judge David A. Morris, Stephen R. Hellman, Esq., Judge Kerri N. Lechtrecker, Supervising Judge Theresa Whelan, and Chief Clerk Michael Williams (collectively, "Defendants") together with an application to proceed in forma pauperis. For the reasons that follow, the application to proceed in forma pauperis is DENIED WITHOUT PREJUDICE and with leave to renew upon completion of the AO 239 in forma pauperis application form. Alternatively, Plaintiff may remit the \$400.00 filing fee.¹

¹ Once paid, there are no refunds of the filing fee regardless of

On the in forma pauperis application, Plaintiff has written 0.00 as the amount of wages he receives and reports that he has not received any money from any source within the last twelve (12) months, with the exception of an undisclosed amount he received from a "friend" who "from time to time . . . help[s] me." (See IFP Mot., D.E. 2, ¶¶ 2-3.) Although the form requires that "the amount received and what you expect to receive in the future" be provided, Plaintiff has not included such information. (IFP Mot. at 1.) Plaintiff avers that he has \$6.00 in cash or in a checking or savings account and he reports no regular monthly expenses, including housing, transportation, or utilities even though he provides a residential address. (IFP Mot., ¶¶ 4-6.) In response to the question on the form that calls for the description of "[a]ny debts or financial obligations (describe the amounts owed and to whom they are payable)", Plaintiff wrote "there is non[e]". (IFP Mot. ¶ 8.)

Thus, because the vague and incomplete responses provided by Plaintiff on the in forma pauperis application do not

the outcome of the case. Accordingly, Plaintiff is encouraged to review the substance of his claims and to consider whether this Court may be divested of subject matter jurisdiction to adjudicate his claims arising from an underlying child custody case. In addition, because Plaintiff also alleges that his claims are brought pursuant to, inter alia, various sections of Title 18, Plaintiff is encouraged to review whether such statutes provide a private right of action.

permit the Court to conclude that Plaintiff is qualified to proceed in forma pauperis, Plaintiff's application is DENIED WITHOUT PREJUDICE to a renewal thereof upon completion of the AO 239 in forma pauperis application form annexed to this Order. Under the circumstances, Plaintiff can best set forth his current financial position on the long form in forma pauperis application (AO 239). Plaintiff is directed to either remit the \$400.00 filing fee or complete and return the enclosed in forma pauperis application within fourteen (14) days from the date of this Order. Plaintiff is cautioned that a failure to timely comply with this Order will lead to the dismissal of the Complaint without prejudice and judgment will enter.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of Court is directed to mail a copy of this Order and the AO 239 in forma pauperis application form to Plaintiff at his last known address.

SO ORDERED.

Dated: May 5, 2020
Central Islip, New York

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.